

Docket No.: 126587-0033

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:
	:
Young-lak KIM	: Conf. No.: 7229
	:
Serial No. 10/575,171	: Group Art Unit: 2617
	:
Filed: April 7, 2006	: Examiner: Munjalkumar, Patel C.

For: METHOD FOR MODEM SWITCHING FOR USE WITH MM-MB TERMINAL

Mail Stop Appeal Brief - Patents
Commissioner for Patents
U.S. Patents and Trademarks Office

Attn: BOARD OF PATENT APPEALS AND INTERFERENCES

REQUEST FOR REINSTATEMENT OF APPEAL

Sir:

In response to the non-final Office Action mailed October 14, 2010 reopening the prosecution after an Appeal Brief and raising allegedly new grounds of rejection, **Appellant hereby requests reinstatement of the appeal process.**

A second Notice of Appeal in compliance with *37 CFR 41.31* and a second Appeal Brief in compliance with *37 CFR 41.37* are submitted herewith. The filing of these appeal papers is proper because the claims in the application has been twice rejected.¹

The Notice of Appeal and Appeal Brief fees have been paid previously in the first appeal.

Reinstatement of the appeal and consideration of the concurrently filed Appeal Brief addressing the new grounds of rejection are respectfully requested.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP

/Yoon S. Ham/

Yoon S. Ham

Registration No. 45307

1700 Diagonal Road, Suite 310

Alexandria, Virginia 22314

(703) 684-1111

Facsimile: 703-518-5499

Date: January 12, 2011

YSH/KL/jr

¹ *35 U.S.C. 134(a)*: An applicant for a patent, any of whose claims has been twice rejected, may appeal from the decision of the primary examiner to the Board of Patent Appeals and Interferences, having once paid the fee for such appeal (emphasis added).

37 CFR 41.31(a)(1): Every applicant, any of whose claims has been twice rejected, may appeal from the decision of the examiner to the Board by filing a notice of appeal accompanied by the fee set forth in § 41.20(b)(1) within the time period provided under § 1.134 of this title for reply (emphasis added).

See, also *MPEP*, section 2104.I. quoting *Ex Parte Lemoine*, 46 USPQ2d 1420, 1423 (Bd. Pat. App. & Inter. 1994): So long as the applicant has twice been denied a patent, an appeal may be filed (emphasis added).